

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charlie Hartford	Team: Squad #8	CCRB Case #: 201808410	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/29/2018 7:33 AM	Location of Incident: [REDACTED]	Precinct: 115	18 Mo. SOL 2/29/2020	EO SOL 2/29/2020	
Date/Time CV Reported Tue, 10/09/2018 2:01 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Tue, 10/09/2018 2:01 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers		[REDACTED]	115 PCT
2. SGT Juan Moreno	00000	[REDACTED]	115 PCT
3. POM Avidan Santiago	03685	[REDACTED]	115 PCT
4. SGT Teara Wilson	04333	[REDACTED]	115 PCT
5. POM Michael Joseph	18679	[REDACTED]	115 PCT
6. POM Russell Lerch	01416	[REDACTED]	115 PCT
7. An officer		[REDACTED]	
8. LT Javier Santos	00000	[REDACTED]	115 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Phillip Chajkowski	21335	[REDACTED]	115 PCT
2. DTS Cesar Arceo	3929	[REDACTED]	115 PCT
3. POM Sher Afgan	17741	[REDACTED]	115 PCT
4. POM Jordan Warren	06481	[REDACTED]	115 PCT
5. POM Mario Lopes	10687	[REDACTED]	115 PCT
6. POF Cydnee Davis	30700	[REDACTED]	115 PCT
7. POM Charles Mcmenamin	17384	[REDACTED]	115 PCT
8. POF Shenique Rosario	26250	[REDACTED]	115 PCT
9. POM Anthony Viggiani	02850	[REDACTED]	115 PCT
10. POM Jason Vargas	20765	[REDACTED]	115 PCT
11. POM Hyun Kim	18409	[REDACTED]	115 PCT
12. POM Olujimi Ogundiran	05904	[REDACTED]	115 PCT
13. POF Diana Montenegro	18477	[REDACTED]	115 PCT
14. POM Sarang Ju	11339	[REDACTED]	115 PCT
15. POM Jonathan Forte	07756	[REDACTED]	115 PCT
16. POM Matt Donahue	21440	[REDACTED]	115 PCT
17. POM Song Kim	28006	[REDACTED]	115 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
18. LT Eric Callagy	00000		115 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Juan Moreno	Abuse: Sergeant Juan Moreno entered § 87(2)(b) in Queens.	
B.SGT Juan Moreno	Abuse: Sergeant Juan Moreno searched § 87(2)(b) in Queens.	
C.POM Avidan Santiago	Abuse: At § 87(2)(b) in Queens, Police Officer Avidan Santiago threatened § 87(2)(b) with the use of force.	
D. An officer	Abuse: At § 87(2)(b) in Queens, an officer threatened § 87(2)(b) with the use of force.	
E.POM Avidan Santiago	Abuse: At § 87(2)(b) in Queens, Police Officer Avidan Santiago sexually humiliated § 87(2)(b)	
F.SGT Juan Moreno	Abuse: At § 87(2)(b) in Queens, Sergeant Juan Moreno sexually humiliated § 87(2)(b)	
G. Officers	Force: At § 87(2)(b) in Queens, officers used physical force against § 87(2)(b)	
H.POM Russell Lerch	Force: At the 115th Precinct stationhouse, Police Officer Russell Lerch used physical force against § 87(2)(b)	
I.POM Michael Joseph	Force: At the 115th Precinct stationhouse, Police Officer Michael Joseph used physical force against § 87(2)(b)	
J.POM Avidan Santiago	Force: At the 115th Precinct stationhouse, Police Officer Avidan Santiago used physical force against § 87(2)(b)	
K.SGT Teara Wilson	Discourtesy: At the 115th Precinct stationhouse, Sergeant Teara Wilson spoke discourteously to § 87(2)(b)	
L.SGT Teara Wilson	Abuse: At the 115th Precinct stationhouse, Sergeant Teara Wilson sexually humiliated § 87(2)(b)	
M.LT Javier Santos	Abuse: Lieutenant Javier Santos entered § 87(2)(b) in Queens.	
N.LT Javier Santos	Abuse: Lieutenant Javier Santos searched § 87(2)(b) in Queens.	

Case Summary

On October 9, 2018, § 87(2)(b) filed this complaint with the CCRB via mail.

On August 29, 2018, at approximately 7:33 a.m., officers under the supervision of Sgt. Juan Moreno of the 115th Precinct entered and searched § 87(2)(b) in Queens (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). Police Officer Avidan Santiago of the 115th Precinct and an unidentified officer threatened § 87(2)(b) with the use of force (**Allegations C and D: Abuse of Authority, § 87(2)(g)**). PO Santiago and Sgt. Moreno sexually humiliated § 87(2)(b) (**Allegations E and F: Abuse of Authority, § 87(2)(g)**). Officers allegedly used physical force against § 87(2)(b) (**Allegation G: Force, § 87(2)(g)**).

On August 29, 2018, at approximately 7:55 a.m., at the 115th Precinct stationhouse, PO Santiago, Police Officer Russell Lerch and Police Officer Michael Joseph of the 115th Precinct allegedly used physical force against § 87(2)(b) (**Allegations H-J: Force, § 87(2)(g)**). Sergeant Teara Wilson of the 115th Precinct spoke discourteously to § 87(2)(b) (**Allegation K: Discourtesy, § 87(2)(g)**). Sgt. Wilson sexually humiliated § 87(2)(b) (**Allegation L: Abuse of Authority, § 87(2)(g)**).

On August 29, 2018, at approximately 9:00 p.m., officers under the supervision of Lieutenant Javier Santos of the 115th Precinct entered and searched § 87(2)(b) in Queens pursuant to Queens County Search Warrant #§ 87(2)(b) (**Allegations M and N: Abuse of Authority, § 87(2)(g)**).

This case contains body-worn camera footage (Board Reviews 49-74).

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Juan Moreno entered § 87(2)(b) in Queens.

Allegation (B) Abuse of Authority: Sergeant Juan Moreno searched § 87(2)(b) in Queens.

It is undisputed that Department of Probation Branch Chief § 87(2)(b) and Officer § 87(2)(b) of the New York City Department of Probation performed an unannounced home visit at § 87(2)(b) in Queens to ensure that § 87(2)(b) did not own any animals, which she was prohibited from doing under the terms of her probation (Board Review 48). The visit uncovered numerous animals in § 87(2)(b)'s possession, and Branch Chief § 87(2)(b) placed a "10-13" radio call alleging that she had been physically attacked by § 87(2)(b). In response, numerous officers entered the location under the direction of the patrol supervisor Sgt. Juan Moreno and arrested § 87(2)(b).

A "10-13" code is utilized within the NYPD "when a police officer is in danger of physical harm by violence."

In People v. Doll, 21 N.Y.3d 665 (2013), The New York Court of Appeals held that "otherwise impermissible police conduct," such as a warrantless entry into a residence, is permissible when: (1) the police have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property and this belief must be

grounded in empirical facts; (2) the search is not primarily motivated by an intent to arrest and seize evidence; and (3) there is some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched (Board Review 58).

Per NY CLS CPL § 410.50, probation officers may arrest a person under their supervision without a warrant when they have reasonable cause to believe the person has violated a condition of the sentence (Board Review 43). To do so, a probation officer may be assisted by a police officer.

§ 87(2)(g)

Allegation (C) Abuse of Authority: At § 87(2)(b) in Queens, Police Officer Avidan Santiago threatened § 87(2)(b) with the use of force.

Allegation (D) Abuse of Authority: At § 87(2)(b) in Queens, an officer threatened § 87(2)(b) with the use of force.

Between approximately 01:55 minutes and 02:03 minutes in PO Shenique Rosario's BWC, PO Santiago is depicted stating, "You're gonna make us drag you upstairs?" to § 87(2)(b) in response to her refusing to leave the residence (Board Review 20). At 03:40 minutes in PO Cesar Areco's BWC, an unidentified officer in plainclothes is depicted telling § 87(2)(b) in response to her requesting that the officer physically assault her, "I'm not gonna physically assault you. I'm gonna grab you and drag you upstairs" (Board Review 15). At 01:51 minutes in PO Rosario's footage, this same officer identifies himself as being from "Warrants" (Board Review 20).

Both § 87(2)(b) and § 87(2)(b) alleged that § 87(2)(b) was dragged out of the house in their sworn statements; however, neither statement mentions § 87(2)(b) being threatened with force at this juncture (Board Reviews 01 and 02).

PO Santiago was interviewed at the CCRB on September 25, 2019. During his interview, PO Santiago stated that he made this threat because § 87(2)(b) would in fact have been dragged out of the location if she did not leave voluntarily, and because threatening to use force so has the potential to induce difficult subjects to cooperate (Board Review 04).

The Queens Warrant Squad movement log, event documentation and an AVL query did not indicate that any officer assigned to Warrants responded to this incident (Board Reviews 52-55, 61). Additionally, the MOS photo viewing terminal revealed no officers from Queens Warrant Squad who resemble the subject of this allegation. As such, the second of the two officers who threatened § 87(2)(b) with the use of force could not be identified.

Patrol Guide Section 221-01 states that officers may use force "when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody" (Board Review 56).

The body-worn camera footage shows that § 87(2)(b) was under arrest at the time that PO Santiago and the unidentified officer threatened to drag her from the residence. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (G) Force: At § 87(2)(b) in Queens, officers used physical force against

§ 87(2)(b)

In her sworn statement, provided in two sessions over video-teleconference on January 4, 2019 and March 6, 2019, § 87(2)(b) alleged that she was dragged through her residence into the garage such that her knees and ankles were contacting the ground and was “purposefully, violently hit into things,” such as boxes piled in the garage. § 87(2)(b) further alleged that she was pushed by an officer while opening the garage door, and her legs were dragged on the ground, causing scars. § 87(2)(b) claimed she repeatedly stated, “You’re hurting my legs, you’re hurting my legs. Can I try to walk?” § 87(2)(b) alleged that she was thrown inside the patrol car, causing her to hit her head on the vehicle’s window and a door handle. § 87(2)(b) § 87(2)(b)s initial complaint was generally consistent with her sworn statement (Board Review 09), as was statements in subsequent correspondence provided to the investigation (Board Review 70).

In her sworn statement to the CCRB provided November 5, 2018, § 87(2)(b) stated that § 87(2)(b) was walking normally as the officers led her to the vehicle (Board Review 02). § 87(2)(b) allegedly observed an officer shove § 87(2)(b)s head down to get § 87(2)(b) in the car, because § 87(2)(b) was not moving down low enough to get in, causing § 87(2)(b) to hit her head against the cabin of the vehicle. § 87(2)(b) sent various correspondence through the course of the investigation containing statements which were generally consistent with her sworn statement (Board Reviews 68-70).

All interviewed officers denied or did not recall seeing officers use physical force as § 87(2)(b) was led to a patrol vehicle (Board Reviews 03-06).

Multiple officers’ body-worn cameras capture § 87(2)(b) being led from her residence into a patrol vehicle. A review of Sher Afgan’s body-worn camera from 02:50 minutes until its conclusion demonstrates that no force was used against § 87(2)(b) during this process (Board Review 15). Between 07:10 minutes and 07:50 minutes, officers are depicted placing § 87(2)(b) inside an RMP without using physical force. During this time, § 87(2)(b) is depicted first requesting that officers “bash [her] head in” and “beat [her] up,” then loudly screaming, “Ow, the faggots are beating me up, look at the faggots beating me up.”

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation (H) Force: At the 115th Precinct stationhouse, Police Officer Russell Lerch used physical force against § 87(2)(b)

Allegation (I) Force: At the 115th Precinct stationhouse, Police Officer Michael Joseph used physical force against § 87(2)(b)

Allegation (J) Force: At the 115th Precinct stationhouse, Police Officer Avidan Santiago used physical force against § 87(2)(b)

In is undisputed that officers, while holding her by each arm, dragged a handcuffed § 87(2)(b) into the 115th Precinct stationhouse.

§ 87(2)(b) alleged that upon arrival at the 115th Precinct stationhouse, two officers grabbed her under both of her arms and told her to “walk on her knees”, which she tried to do but found painful (Board Review 01). Additional officers then came and dragged her into the stationhouse, with eight officers holding each arm. § 87(2)(b) claimed that the officers did not allow to her to walk by not letting go of her arms or giving her a second to “gather herself.” § 87(2)(b) also stated that she possibly could have walked, but that the officers did not give her time to catch her breath. At one point in her interview, § 87(2)(b) stated that officers dragged her, first by her ankles and then by her knees, into the stationhouse, while at a different point § 87(2)(b) stated that she first tried walking on her knees, but then “let the officers elevate” her because it was too painful, at which point her feet were making contact with the ground. Even though her feet were contacting the ground, § 87(2)(b) was not walking because the officers were moving too fast to allow her to walk. § 87(2)(b) received scars on her knees as a result of being transported into the stationhouse.

In his CCRB statement, PO Joseph stated that, as he walked ahead of PO Santiago and PO Lerch, he briefly turned around and observe § 87(2)(b) making her body go limp, such that it was dead weight (Board Review 06). PO Joseph stated that PO Santiago and PO Lerch were holding her by each arm and “carrying her,” and that he did not remember how § 87(2)(b) was oriented. PO Joseph denied seeing § 87(2)(b)'s body make contact with the floor. § 87(2)(b) began to scream at some point in this process, but PO Joseph did not know why § 87(2)(b) was screaming during this time.

In his CCRB statement, PO Lerch stated that, after § 87(2)(b) dropped to the floor and refused to walk, he and PO Santiago grabbed her under each arm and dragged her into the stationhouse, with principally the tops and bottoms of her feet contacting the ground (Board Review 07). PO Lerch did not recall how far § 87(2)(b) was elevated off the ground. PO Lerch denied intentionally dragging § 87(2)(b) in such a manner that her knees contacted the ground, and did not recall her knees making contact with the ground during this process.

In his CCRB statement, PO Santiago stated that after § 87(2)(b) dropped her weight “like she was jumping into a pool” inside the stationhouse, he and two other officers, including PO Joseph, dragged § 87(2)(b) into the stationhouse while holding onto her arms (Board Review 04). The officers elevated § 87(2)(b) “a little bit” off the ground as they did so, while § 87(2)(b) dragged her feet upon the ground because she refused to walk. PO Santiago did not recall any other part of § 87(2)(b)'s body making contact with the ground. PO Santiago stated that he and the other officers did this because they had no other option to get her into the stationhouse. The officers proceeded to lead § 87(2)(b) past the

desk, because they were concerned that she might attempt to spit on a supervisor. The desk sergeant, Sgt. Wilson, became extremely upset, however, that the officers did not bring her to the desk.

In their CCRB statements, Sgt. Wilson and Lt. Eric Callagy both initially denied having any recollection of § 87(2)(b) being brought into the stationhouse (Board Reviews 07 and 08).

Because this incident happened at the end of their tour of duty, after they had removed their body-worn cameras, PO Joseph, PO Lerch and PO Santiago were not wearing their assigned cameras during the incident. Relevant footage was captured to some extent by PO Shenique Rosario's body-worn camera, which was worn by PO Joseph during the process of transporting § 87(2)(b) to the stationhouse (Board Review 24). However, between 09:48 minutes and 10:55 minutes in the footage, the camera is pointed away from § 87(2)(b) and the footage does not depict whether officers use physical force.

Beginning at 06:42 minutes in the footage, officers are depicted requesting numerous times that § 87(2)(b) cooperate and enter the stationhouse of her own accord. § 87(2)(b) responds by repeatedly requesting that officers drag her into the stationhouse and "beat [her] up." Around 08:29 minutes in the footage, § 87(2)(b) appears to completely drop her weight, at which time PO Santiago states, "You were walking fine two minutes ago." After numerous unsuccessful attempts to persuade § 87(2)(b) to walk, PO Santiago states, "Set her down, and we'll slide her. Cause she doesn't want to walk, we'll slide her. That's all. Stay like that. Then. That's the only way, we'll slide her." § 87(2)(b) objects that the officers will injure her knees, and PO Lerch states, "Because you're not cooperating." At 09:51 minutes, an officer tells the officers bringing § 87(2)(b) into the stationhouse to set her down. Beginning at 09:53 minutes, § 87(2)(b) can be heard screaming and asking the officers to stop. At 10:13, a screeching noise can be heard. At 10:17 minutes in the footage, Sgt. Wilson can be heard stating, "Officers, come to the desk right now. We are not catering to her bullshit, call the bus." Around the same time an unidentified voice can be heard stating, "Come on. Relax. Relax. Relax," followed by a statement that sounds like, "You don't need to do that." At 10:50 minutes in the footage, Sgt. Wilson can be heard stating, "You don't have to drag her around."

After being shown the above-referenced footage, Sgt. Wilson ultimately provided testimony § 87(2)(b) that she observed more than two officers, whose identities she could not recall, carrying § 87(2)(b) by each arm into the stationhouse (Board Review 07). Sgt. Wilson did not recall what part of § 87(2)(b)'s body was making contact with the ground as she was brought in. Sgt. Wilson stated that she told the officers to "stop catering to § 87(2)(b)'s bullshit" and to call an ambulance because it is procedure is to bring volatile or emotionally disturbed prisoners to the hospital.

After being presented with the above-referenced footage, Lieutenant Callagy maintained that he had no recollection of this incident (Board Review 08).

In his CCRB interview, PO Lerch testified that the screeching noises heard in the above footage were caused by § 87(2)(b) intentionally pressing the tops of her feet into the ground to prevent the officers from dragging her (Board Review 05). PO Lerch further stated that he

believed the officer depicted in body-worn camera footage telling him to put § 87(2)(b) down made this statement because it was procedure for § 87(2)(b) to be removed by § 87(2)(b). PO Lerch stated that he and PO Santiago did not do this because they determined that it was untenable to leave § 87(2)(b) in the hallway.

The pre-hospital care report prepared regarding this incident notes that upon EMS responding to the precinct stationhouse, § 87(2)(b) refused to go to the hospital to be evaluated (Board Review 62). The provider impression contained in the report is listed as “No Medical Problem [sic],” and the report does not note § 87(2)(b) as having incurred any injuries.

Patrol Guide Section 221-01 prohibits the use of force on handcuffed subjects “unless necessary to prevent injury, escape or to overcome active physical resistance or assault” (Board Review 56).

In Patrol Guide Section 221-02, passive resistance, as opposed to active resistance, is delineated as including a subject going limp when being taken into custody (Board Review 66).

Based on the testimony of the officers and the BWC footage, it is apparent that § 87(2)(b) refused to walk into the stationhouse to process her arrest and that force was used § 87(2)(g). While officers are entitled to use force to overcome resistance, the BWC footage does not show what force was used. § 87(2)(g)

§ 87(2)(b) In particular, the footage captures PO Santiago telling other officers to “put her down” so that they can “slide her.” § 87(2)(g)

§ 87(2)(b) Additionally, Sgt. Wilson tells the officers, “You don’t have to drag her around.” § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation (K) Discourtesy: At the 115th Precinct stationhouse, Sergeant Teara Wilson spoke discourteously to § 87(2)(b)

It is undisputed that Sgt. Wilson stated, as § 87(2)(b) was being taken into the 115th Precinct stationhouse, that they were not catering to § 87(2)(b)s “bullshit.” § 87(2)(b) immediately responds, “Shut the fuck up bitch.” These statements can be heard 10:30 minutes in PO Shenque Rosario’s BWC (Board Review 24).

In her CCRB statement, Sgt. Wilson explained that she made this statement because she believed the officers were “entertaining” § 87(2)(b)s behavior, and because she did not understand why the officers did not bring § 87(2)(b) to the desk given that she was arrested (Board Review 07). Sgt. Wilson stated that there was no specific reason why she used the word “bullshit.”

The CCRB was unable to determine who made the statement regarding “put[ting] a chair under § 87(2)(b)s] ass.”

Patrol Guide Section 203-09 instructs officers to treat civilians with courtesy and respect.

In Disciplinary Case No. 2017-17005, the Deputy Commissioner of Trials noted that it has consistently held that “profane remarks, made during stressful situations or while an officer is trying to get a chaotic situation under control, are not misconduct” (Board Review 59). The court found that an officer telling a bystander complaining of excessive force to “shut the fuck up” had committed misconduct because the situation was “not so chaotic that the duty of courteous and professional behavior should be overridden by the immediate need to maintain order.”

Although Sgt. Wilson was speaking to officers when describing § 87(2)(b)'s actions as “bullshit,” it was said in § 87(2)(b)'s presence and was about her. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (E) Abuse of Authority: At § 87(2)(b) in Queens, Police Officer Avidan Santiago sexually humiliated § 87(2)(b)

Allegation (F) Abuse of Authority: At § 87(2)(b) in Queens, Sergeant Juan Moreno sexually humiliated § 87(2)(b)

Allegation (L) Abuse of Authority: At the 115th Precinct stationhouse, Sergeant Teara Wilson sexually humiliated § 87(2)(b)

It is undisputed that § 87(2)(b) was wearing a nightgown when she was arrested and removed from her residence, that she was denied the opportunity to change into different clothing, that she was menstruating, and that at points throughout the arrest process her breasts, buttocks, and genitalia were exposed.

In her CCRB interview, § 87(2)(b) claimed that, at the time of her arrest, she was wearing the “tiniest nighty ever,” which exposed her breasts, buttocks, and vagina, and that she was not allowed to change into different clothing (Board Review 01). At the 115th Precinct stationhouse, § 87(2)(b) alleged that she was sat in a chair in a publicly accessible area of the stationhouse while handcuffed for four hours, where “anyone” could see her sitting half-naked, causing her to feel humiliated as a result. § 87(2)(b) further stated that she was not provided with feminine hygiene products, even though she was visibly menstruating during the incident.

§ 87(2)(b)'s state of dress at the time of her arrest is depicted beginning at 01:15 minutes in PO Rosario's BWC (Board Review 20). When an officer asks her why she is bleeding, she informs them, “I have my period.” At 02:14 minutes in this footage, after § 87(2)(b) is depicted arguing with the officers about why she is being arrested, § 87(2)(b) asks if she can put on clothes. PO Santiago replies, “You’ve got clothes on. Let’s go.” § 87(2)(b) responds, “You have to humiliate me like this, right?”

At 06:48 minutes in PO Sher Afgan's body-worn camera footage, while the officers are leading § 87(2)(b) to the patrol car parked in the middle of a residential street, her left breast becomes fully exposed for a period of eight seconds before an unidentified Warrant Squad officer

adjusts her nightgown to cover her breast (Board Review 15). § 87(2)(b) is not struggling with the officers and has been compliant to the point that she has not been handcuffed at the time this occurs.

At 10:57 minutes in the footage filmed by PO Joseph using PO Rosario's body-worn camera, § 87(2)(b) is depicted being placed in a chair in the 115th Precinct stationhouse (Board Review 24). The embedded timecode at this point in the footage indicates that it is 7:57 a.m. As discussed in the above section, Sgt. Wilson is depicted contemporaneously instructing officers to call § 87(2)(b).

At 01:45 minutes in PO Olujimi Ogundiran's body-worn camera footage, EMS is depicted arriving on scene (Board Review 25). The embedded timecode at this point indicates that it is 8:06 a.m. A discussion follows during which § 87(2)(b) makes conflicting statements to EMTs about whether she wants to go to the hospital. During this time the EMTs cover the lower half of § 87(2)(b)'s body with a blanket. § 87(2)(b) ultimately refuses to go the hospital and the EMTs leave at 30:34 minutes in the footage. Prior to this point, at 27:49 minutes in the footage, Sgt. Wilson is depicted asking § 87(2)(b) whether she would like a shirt, to which § 87(2)(b) responds, "I don't know, I'm bleeding all over myself" and complains that she was not allowed to put clothes on. At 31:45 minutes in the footage, a female officer is depicted telling § 87(2)(b) that she is going to take her to another room and give her clothes and "papers" so that she can clean up, and the body-worn camera footage appears to terminate immediately prior to this occurring.

PO Santiago testified in his CCRB interview that § 87(2)(b)'s dress fully covered her breasts, genitalia and buttocks (Board Review 04). PO Santiago had no recollection of § 87(2)(b) requesting to change. PO Santiago stated that, typically, if officers are arresting an individual who is naked, officers will wait until EMS arrives and provides something to cover the individual before removing them. If an arrestee's "private areas" are not exposed, however, PO Santiago stated that officers are "not really concerned" if an arrestee is wearing specific clothing they would prefer to have on. PO Santiago stated that this was a common-sense understanding, and that he was not aware of any Patrol Guide procedure or other literature concerning this point. The other officers interviewed in the course of the investigation provided testimony which was generally consistent with PO Santiago in this respect (Board Review 03-08).

In his CCRB testimony, Sgt. Moreno affirmed that § 87(2)(b) was arrested while wearing a garment that did not fully cover her breasts, and that he personally saw her breasts during her arrest (Board Review 03). Sgt. Moreno was unable to specify to what extent § 87(2)(b)'s breasts were exposed, whether her buttocks or genitalia were exposed at any point, or whether her state of dress presented an issue with regard to NYPD protocol.

In her CCRB testimony, Sgt. Wilson stated that § 87(2)(b)'s physical movements to resist the officers as they brought her into the stationhouse, in conjunction with the fact that her garment "already [didn't] offer that amount of coverage [sic]," caused her intimate areas to become exposed to an extent that she considered it an issue (Board Review 07). Sgt. Wilson testified that she lodged § 87(2)(b) apart from other prisoners so that she would have privacy, instructed an officer to give § 87(2)(b) a Mets shirt, and personally paid for

officers to buy § 87(2)(b) slippers. Sgt. Wilson further provided § 87(2)(b) with sanitary pads, which she had purchased for her own personal use.

Sgt. Moreno and Sgt. Wilson have been pleaded as the subject of allegations addressed in this section because they were the supervisors on the scene of § 87(2)(b)'s arrest and at the 115th Precinct stationhouse, respectively. PO Santiago has additionally been pleaded as a subject because he is depicted on BWC denying § 87(2)(b) the opportunity to change into different clothing.

Patrol Guide Procedure 200-02 states that NYPD employees are to maintain a higher standard of integrity than is generally expected of others in their mission of protecting lives through impartial enforcement of the law and through valuing human life and the dignity of every person (Board Review 71).

Patrol Guide Procedure 203-10 prohibits officers from engaging in behavior prejudicial to the good order or discipline of the Department (Board Review 73).

Patrol Guide Procedure 208-02 states: "Desk officers will be held strictly accountable for prisoners while in the command" (Board Review 72).

At issue here is whether § 87(2)(b) was exposed to actual or probable ridicule or embarrassment relating to her sexual organs or sexual activity.

The investigation determined that § 87(2)(b) was arrested wearing a nightgown § 87(2)(g) and that she was denied the opportunity to change despite requesting to do so. § 87(2)(g) § 87(2)(b)'s private areas became exposed at more than one point during her arrest. She was also not afforded the opportunity to use feminine hygiene products, despite being visibly menstruating during the incident. § 87(2)(g)

At the 115th Precinct stationhouse, § 87(2)(b) was handcuffed to a chair in a public area of the precinct. § 87(2)(g)

While it appears that § 87(2)(b) was provided with clothing and sanitary pads after it was determined that she was not going to be removed, § 87(2)(b) was left in an inadequately clothed state for over a half hour while handcuffed to a chair under the custody of Sgt. Wilson.

§ 87(2)(g)

Allegation (M) Abuse of Authority: Lieutenant Javier Santos entered § 87(2)(b) in Queens.

Allegation (N) Abuse of Authority: Lieutenant Javier Santos searched § 87(2)(b) in Queens.

It is undisputed that on August 29, 2018, at approximately 9:00 p.m., officers under the supervision of Lieutenant Javier Santos of the 115th Precinct, in conjunction with the American Society for the Prevention of Cruelty to Animals, entered and searched § 87(2)(b) nd Street in Queens pursuant to Queens County Search Warrant § 87(2)(b) (Board Review 10). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- Sgt. Moreno has been a member of service for 15 years. In that time, he has been the subject of 17 allegations in nine other cases. § 87(2)(g)
- PO Lerch has been a member of service for three years. This is his first CCRB complaint.
- PO Joseph has been a member of service for four years. This is his first CCRB complaint.
- PO Santiago has been a member of service for sixteen years. In that time, he has been the subject of 21 allegations in 11 additional CCRB complaints.
 - In CCRB 200705171, PO Santiago was the subject of two unsubstantiated allegations regarding physical force.
 - In CCRB 200912234, PO Santiago was the subject of a substantiated allegation regarding a threat of arrest. The CCRB recommended that PO Santiago face administrative charges, while the NYPD imposed a penalty of Command Discipline B.
 - In CCRB 201109759, PO Santiago was the subject of an unsubstantiated allegation regarding a threat of force allegation.
 - In CCRB 201412579, PO Santiago was the subject of a substantiated discourtesy allegation. The NYPD imposed PO Santiago with a penalty of Command Discipline A, which was consistent with the CCRB's recommendation.
- Sgt. Wilson has been a member of service for 15 years. In that time, she has been the subject of four allegations in two additional cases. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- A check was filed on December 5, 2018 to determine whether § 87(2)(b) has filed a Notice of Claim pertaining to this incident and is currently pending.
- A query of Office of Court Administration database indicates that § 87(2)(b) has no criminal convictions in New York City (Board Review 65).
- § 87(2)(b)

§ 87(2)(b) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date